

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile Nos. CHTA-001-0001
CHTA-001-0002
CHTA-001-0003
CHTA-002-0001
CHTA-002-0002
CHTA-002-0003
CHTA-003-0001

MOTION FOR STAY

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (State) and by and through its counsel moves the Special Master to enter an order staying the proceedings in the disputed subfiles listed above that are subject to the Scheduling Order entered December 15, 2005 (Doc. No. 8103) and as grounds states as follows:

Under the Scheduling Order entered December 15, 2005, the State and the Defendants in the above-referenced subfiles were required to make initial discovery disclosures no later than April 10, 2006. The State completed this disclosure as required. As discussed at the May 8th general status conference in Santa Fe, to date, no Defendants have provided the State with any of the required information. The Defendants are *pro se* and may not understand their obligations under the Scheduling Order.

Rather than request a determination of the Defendants' water rights by entry of a default

judgment for failure to comply with the provisions of the Scheduling Order, the State requests that the Special Master stay the proceedings in the above-referenced subfiles and require the Defendants associated with those subfiles to attend a conference with the Court.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was mailed to following this 15th day of May 2006:

CHTA-001-0001

John M. Sena
9709 Rio Grande NW
Albuquerque, NM 87114

Frank C. Sena
59 County Rd. 84
Santa Fe, NM 87506

CHTA-001-0002

Agripina G. Salazar
Victor Salazar, Sr.
P.O. Box 324
Tierra Amarilla, NM 87575

CHTA-001-0003

Adan Garcia, Jr.
P.O. Box 1284
Española, NM 87532

Leroy Garcia
P.O. Box 4416
Fairview, NM 87533

Armando Garcia
P.O. Box 4236
Fairview, N.M. 87533

Samuel Garcia
1200 Calle Sombra

Española, NM 87532

Miguel Martinez
c/o Mike Martinez
P.O. Box 216
Alcalde, NM 87511

Pamela Manzanares
P.O. Box 1228
Española, NM 87532

Donna Garcia
P.O. Box 2056
Española, NM 87532

Viola Chavez
P.O. Box 1385
Española, NM 87532

Joan Garcia
3700 Aspen NE, Apt. 3R
Albuquerque, NM 87110

CHTA-002-0001
Ellis Gordan Schlegel
P.O. Box 309
Tierra Amarilla, NM 87575

CHTA-002-0002
Acencion Labrier
HC 75 Box 24
Tierra Amarilla, NM 87575

CHTA-002-0003
CHTA-003-0001
Estate of Carlota L. Martinez
c/o Frank A. Martinez
346 Forest Road 314
Jemez Springs, NM 87025

and transmitted by ACE filing to the following this same day:

Special Master Vickie L. Gabin

USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville
Edward G. Newville